

# House Study Bill 693

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON MADDOX)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the appointment of magistrates in lieu of a  
2 district court, district associate, or associate juvenile  
3 judge.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5817HC 80  
6 jm/gg/14

PAG LIN

1 1 Section 1. NEW SECTION. 602.6406 APPOINTMENT OF  
1 2 MAGISTRATES IN LIEU OF DISTRICT COURT, DISTRICT ASSOCIATE, OR  
1 3 ASSOCIATE JUVENILE JUDGE.  
1 4 1. The chief judge of a judicial district may designate by  
1 5 order of substitution that magistrates be appointed in lieu of  
1 6 a district judge pursuant to section 602.6201, a district  
1 7 associate judge pursuant to section 602.6304, or an associate  
1 8 juvenile judge pursuant to section 602.7103B, subject to  
1 9 approval by the judicial council.  
1 10 2. The substitution order shall designate which county  
1 11 each additional magistrate shall serve in and the magistrate  
1 12 shall be appointed pursuant to section 602.6403.  
1 13 3. Notwithstanding section 602.6401, in a judicial  
1 14 district where a substitution order is in effect, up to three  
1 15 additional magistrates may be appointed in lieu of appointing  
1 16 a district judge, district associate judge, or associate  
1 17 juvenile judge. A judicial district shall not have more than  
1 18 one substitution order pursuant to this section.  
1 19 4. An order of substitution shall not take effect unless a  
1 20 copy of the order is received by the chairperson of the county  
1 21 magistrate appointing commission or commissions no later than  
1 22 May 31 of the year in which the substitution is to take  
1 23 effect.  
1 24 5. Upon the chief judge entering an order of substitution  
1 25 pursuant to this section, a copy of the order shall be mailed  
1 26 to the appropriate nominating or appointing commission. After  
1 27 receiving the order, the nominating or appointing commission  
1 28 shall not proceed with the nominating or certification process  
1 29 for the vacant judgeship designated in the substitution order.  
1 30 If the judicial council does not approve the substitution  
1 31 order, the judicial council shall notify the appropriate  
1 32 nominating or appointing commission that the substitution  
1 33 order was not approved and the commission may proceed with the  
1 34 nominating and certification process for the vacant judgeship.  
1 35 6. A substitution order shall not have the effect of  
2 1 increasing or decreasing the number of district court,  
2 2 district associate, or associate juvenile judges apportioned  
2 3 or authorized by this chapter.  
2 4 7. If a majority of the judicial council determines that a  
2 5 substitution is no longer desirable, then the substituted  
2 6 offices shall be terminated. However, a reversion pursuant to  
2 7 this subsection, irrespective of cause, shall not take effect  
2 8 until the additional magistrates' terms of office expire.  
2 9 Upon the termination of office of the additional magistrates,  
2 10 a vacancy shall occur in the judgeship for which the  
2 11 additional magistrates were substituted pursuant to this  
2 12 section.

## EXPLANATION

2 13 This bill relates to magistrates being appointed in lieu of  
2 14 a district court, district associate, or associate juvenile  
2 15 judge.  
2 16 The bill allows a chief judge to designate by an order of  
2 17 substitution that up to three magistrates be appointed in lieu  
2 18 of a district judge pursuant to Code section 602.6201, a  
2 19 district associate judge pursuant to Code section 602.6304, or  
2 20 an associate juvenile judge pursuant to Code section  
2 21

2 22 602.7103B, subject to approval by the judicial council. The  
2 23 substitution order shall designate which county each  
2 24 additional magistrate shall serve in and the magistrate shall  
2 25 be appointed in the same manner as other magistrates pursuant  
2 26 to Code section 602.6403.  
2 27 The bill provides that if a majority of the judicial  
2 28 council determines that a substitution is no longer desirable,  
2 29 the substituted offices shall be terminated at the end of the  
2 30 term of the additional magistrates. Upon the termination of  
2 31 office of the additional magistrates, a vacancy shall occur in  
2 32 the judgeship that the additional magistrates were substituted  
2 33 for under the bill.  
2 34 LSB 5817HC 80  
2 35 jm/gg/14